

Remarks

Claims 1-9, 11-13, 17-25 and 32 are pending in this application.

Claims 1-3, 10-11, 17-19, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Primak *et al.* USPN (6598077). In a related rejection, claims 4-9, 12-13, and 21, 23-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Primak *et al.* USPN (6598077) in view of Canion *et al.* USPN (20020108059) and further in view of Bull *et al.* USPN (6799270). These rejections are respectfully traversed for the following reasons.

Claim 1, for example, is directed to a system for protecting certain servers from undesirable packets, such as those packets generated in a denial of service attack. The system functions by protecting an identified server. Thus, if packets are not destined from that server, they are simply forwarded. This is the origin of the claim 1 requirements of: determining if the packet is destined for a server of interest by reference to a destination address of the packet...[and]if the packet is not destined for the server of interest, routing the packet to its destination". Similar features are found in the other independent claims.

The Primak patent functions contrary to the claimed invention. That is, in the Primak system, every request is routed to a specified server. See Primak at col 6, line 35, *et seq.* In contradistinction, there is identification of communications for a particular server, i.e., server of interest, and only dealing with packets to this server and passing other packets as claimed. In short, there is no functionality in the Primak patent directed to routing the packet to its destination if the packet is not destined for the server of interest. In fact the Primak system is directed to a different problem of load balancing and scaling web sites.

For an obviousness rejection to be proper, the Patent Office must meet the burden of establishing a prima facie case of obviousness. The Patent Office must meet the burden of establishing that all elements of the invention are disclosed in the cited

publications, which must have a suggestion, teaching or motivation for one of ordinary skill in the art to modify a reference or combined references. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). This burden has not been met here.

Moreover, the present claimed invention further requires a determination of whether the packet is part of a conversation if the packet is directed to the server of interest. If the packet is part of the conversation, it is forwarded, if not, it is dropped. This further distinguishes the invention from Primak, in which the object is to drop no packets, ensuring that all requests can be handled. See Primak at col 1, line 64, et seq.

While the secondary reference, Canion, was cited to disclose packet dropping, it seems improbable, to say the least, that one skilled in the art would be motivated by Canion to modify the Primak system to drop packets, when handling increased packet numbers is the objective of the Primak system.

The final reference, Bull patent, does not undermine the arguments above.

For the foregoing reasons, it is respectfully urged that the present claims would not be obvious over the applied references.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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